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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/791,853	03/04/2004	Ryo Takeshita	US-163	5567
38108 7590 03/27/2008 CERMAK & KENEALY LLP ACS LLC 515 EAST BRADDOCK ROAD SUITE B ALEXANDRIA, VA 22314				
EXAMINER				
MARX, IRENE				
ART UNIT		PAPER NUMBER		
1651				
MAIL DATE		DELIVERY MODE		
03/27/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Note:

The proposed amendment to the specification and to claim 10 raises new issues that would require further consideration and/or search with respect to replacement of SEQ ID NO 4 with SEQ ID NO 5, including issues of new matter.

Response to Arguments

Applicant's arguments have been fully considered but they are not deemed to be persuasive.

Applicant's statements regarding a "typographical error" as the basis for changing the specification and claims are noted. However, it is not readily apparent that the recitation in the context of the specification is clearly an error as asserted or an indication as to how this error occurred. Moreover, at the time of signing the oath or declaration, applicant averred having reviewed the specification for errors.

The objection to cancelled claim 4 made in the final rejection is in error. The error is regretted.

The recitation of the use of "a processed product" of recombinant cells encompasses the use a product made by culturing a recombinant cell, i.e., a product by process. It is the examiner's position that the use of this processed product in the claimed process of producing an alcohol does not distinguish over the use of processed products produced by other cells as provided for in the disclosure of Lloyd *et al.*, for example.

Therefore the rejection is deemed proper and it is adhered to.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Irene Marx whose telephone number is (571) 272-0919. The examiner can normally be reached on M-F (6:30-3:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Wityshyn can be reached on 571-272-0926. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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/Irene Marx/

Primary Examiner, Art Unit 1651